

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-against-

STEVEN JUDE

Defendant.

STEVEN JUDE

Petitioner,

-against-

UNITED STATES OF AMERICA

Respondent.

No. 15 Cr. 355 (JFK)

X

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x

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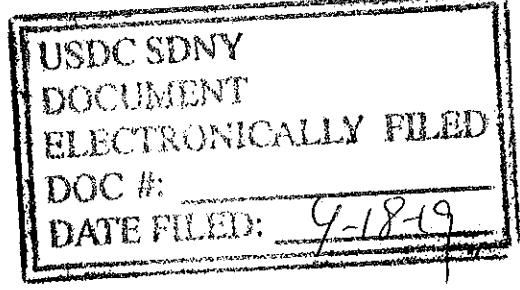
No. 17 Civ. 5246 (JFK)

OPINION & ORDER

X

JOHN F. KEENAN, United States District Judge:

On May 10, 2018, Defendant Steven Jude ("Jude") filed a motion to vacate his conviction pursuant to 28 U.S.C. § 2255. (No. 15 Cr. 355, ECF No. 58.) As this motion was filed before the adjudication of Jude's previous 28 U.S.C. § 2255 motion (No. 15 Cr. 355, ECF No. 52), the Court construes this second motion as a motion to amend the original § 2255 motion. See Ching v. United States, 298 F.3d 174, 177 (2d Cir. 2002) ("[I]n general, when a § 2255 motion is filed before adjudication of an initial § 2255 motion is complete, the district court should construe the second § 2255 motion as a motion to amend the pending § 2255 motion."))



motion."). The Court hereby ORDERS the Government to respond to this motion to amend no later than May 9, 2019.

SO ORDERED.

Dated: New York, New York
April 18, 2019



John F. Keenan
United States District Judge

Mailed copy of this order to
Mr. Jude on 4-18-19.

William Ryan
Deputy Clerk